

ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only

Case No. 095

Date Filed 4/4/98

Hearing Date _____

Pre-Conf. _____

Receipt 980910074

Fee \$1,010.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Joseph Deigert Phone Number Call Attorney

Address P.O. Box 7 Fallston MD 21047
Street Number Street State Zip Code

Property Owner Harry St. O'Neill and Anna M. O'Neill Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser Joseph Deigert Phone Number Call Attorney

Address P.O. Box 7 Fallston MD 21047
Street Number Street State Zip Code

Attorney/Representative John J. Gessner Phone Number (410) 893-7500

Hertsch, Gessner & Snee, P.A.
Address 11 South Main St., P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Hearing: 8/7/98

Land Description

Address and Location of Property (with nearest intersecting road) 1800 Angleside Road

Subdivision _____ Lot Number _____ Acreage/Lot Size 50.95 Election District 3

Existing Zoning AG Proposed Zoning RR Acreage to be Rezoned 50.95

Tax Map No. 48 Grid No. 2B Parcel 6 Deed Reference 988/728

Critical Area Designation _____ Land Use Plan Designation Rural Residential

Present Use and ALL improvements: single family dwelling and out buildings/residential

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) low intensity
residential

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

N/A If yes, describe: _____

Estimated Time Requested to Present Case: 1 hour

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

1 : 3/6/98
2 : 7671.DOC
hf2

ATTACHMENT A
FOR ZONING RECLASSIFICATION APPLICATION OF JOSEPH DEIGERT

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Adjoining Property Owners.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned AG during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned AG. As a result of development in the area, changes in the Master Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's AG zoning classification is no longer appropriate. The subject property should be rezoned RR in its entirety.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

1 : 3/6/98
2 : 7671.DOC
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Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2.

"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: None.

1 : 3/6/98
2 : 7671.DOC
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"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-3

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Title Deed) and A-3

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Private well and septic disposal are available to the property.

